UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,054	06/20/2003	John Marshall	007-2	5532

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LAW OFFICE OF CHARLES E. KRUEGER	EXAMINER
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ART UNIT	PAPER NUMBER
2176	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
	10/601,054	MARSHALL, JOHN
Office Action Summary	Examiner	Art Unit	
	Tran A. Quoc	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>12-20-2006</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-6</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-6</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

1.   This is a **Non-Final** Rejection in response to the RCE/Amendments filed on

12-20-2006.

2.   Claims 1-6 are pending and rejected in this action.

3.   Effective filing date 06-20-2003, priority date 01-18-2002.

Continued Examination Under 37 CFR 1.114

4.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 12-20-2006 has been entered.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.*

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Davis</u> US

20050198042A1- Division of application No. 09/573,413 filed May. 18, 2000 (hereinafter

**Davis, in view of <u>Chen</u> et al. US006507856B1 filed Jan. 5, 1999 (hereinafter Chen).**

Regarding **independent claim 1**, Davis teaches:

> **A method, comprising the steps of: parsing the a web page located by a requested URL to determine the location and type of an element of the web page which is an element having statistics available;**

(See, Davis, para 221, teaching "createDoc" reads in the file indicated by an input URL, parses it, and creates a new TXDocument. A TXDocument is an object, which implements the Document Object Model (DOM) interface.

Also, see Davis, Fig. 1 para 108, teaching The Reusable Document Markup Language (RDML) data viewer 100 functions as a combination RDML and HTML browser, object-oriented spreadsheet, report-writer, and application platform (conforming to the DOM-- "Document Object Model") and then rendered in views 108 selected by the user.

Also, see Davis, Fig. 9, and para 75, teaching elements of RDML Document Type Definition DTD whether spreadsheet, database or other types, the user may want to manipulate the data and see basic statistics.
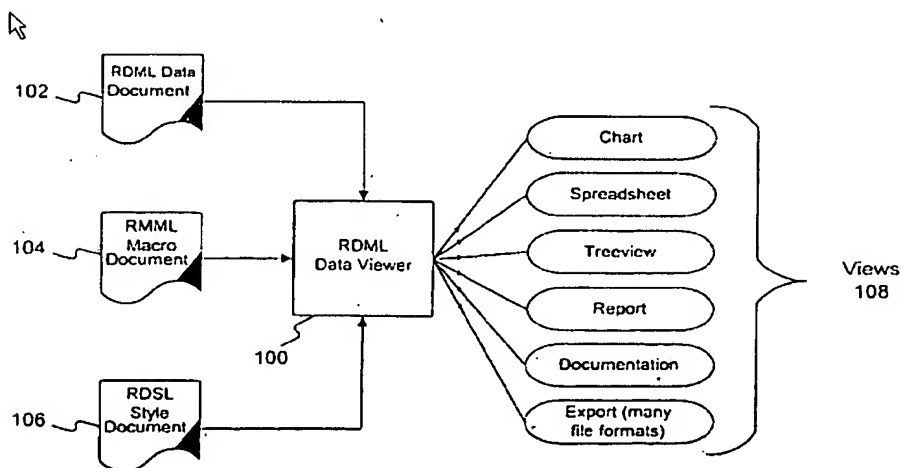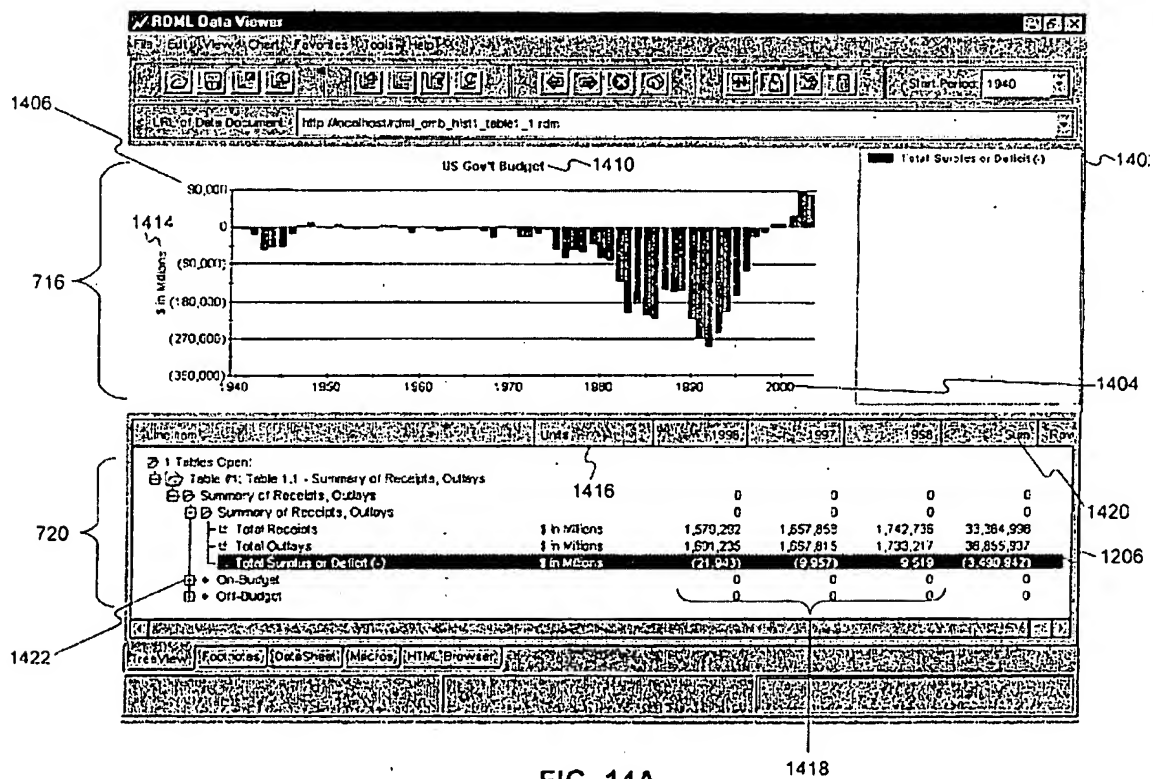
In addition, Davis teaches:

Constructing a graphic object that conveys user interaction

information based on statistics available for the element;

(See, Davis, fig 14A para 274-277, depicting the chart view 716 in the top half of the screen, and

the tree view 720 in the lower half, wherein the summary column 1420 allows the user to choose

a statistic, and data columns 1418 in the tree view 720 give the user visual clues as the relative

importance, the types, and the format of the line items.

FIG. 14A

Using the broadest reasonable interpretation, the Examiner reads the claimed as equivalent to

chart view 716 in the top half of the screen and the tree view 720 in the lower half as taught by

Davis.)

In addition, Davis teaches:

> **modifying the DOM of the web page so that a combined view of the web page overlaid with the graphic object in close proximity to the element is displayed when the DOM is rendered by an HTML rendering engine.**

(See, Davis, fig. 1 para 108, teaching The RDML data viewer 100 functions as a combination RDML and HTML browser, object-oriented spreadsheet, report-writer, and application platform. HTML documents are rendered immediately in a browser window, while RDML documents are first cached in an internal data object (conforming to the DOM--"Document Object Model) and then rendered in views 108 selected by the user.

Also, see Davis, fig 14A para 274-277, depicting the chart view 716 in the top half of the screen, and the tree view 720 in the lower half, wherein the summary column 1420 allows the user to choose a statistic, and data columns 1418 in the tree view 720 give the user visual clues as the relative importance, the types, and the format of the line items. Using the broadest reasonable interpretation, the Examiner reads the claimed **web page overlaid with the graphic object in close proximity to the element is displayed** as equivalent to chart view 716 in the top half of the screen and the tree view 720 in the lower half as taught by Davis.)

In addition, Davis does not expressly teach, but Chen teaches:

> **A method, comprising the steps of: parsing the document object model (DOM) of a web page located by a requested URL to determine the location and type of an element of the web page;**

(See, Chen, fig. 3, 7 and Col. 3 line 65 through col. 4. line 15, teaching DOM tree parsing or

serialization can be embedded in a web browser.

Also, see Chen col. 3 lines 50-55, teaching Business documents may be presented by

extensible Markup Language (XML) for Internet transmission and World Wide Web access.

Using the broadest reasonable interpretation, the Examiner reads the claimed **a web page**

located by a requested URL as equivalent to Internet transmission and World Wide Web access
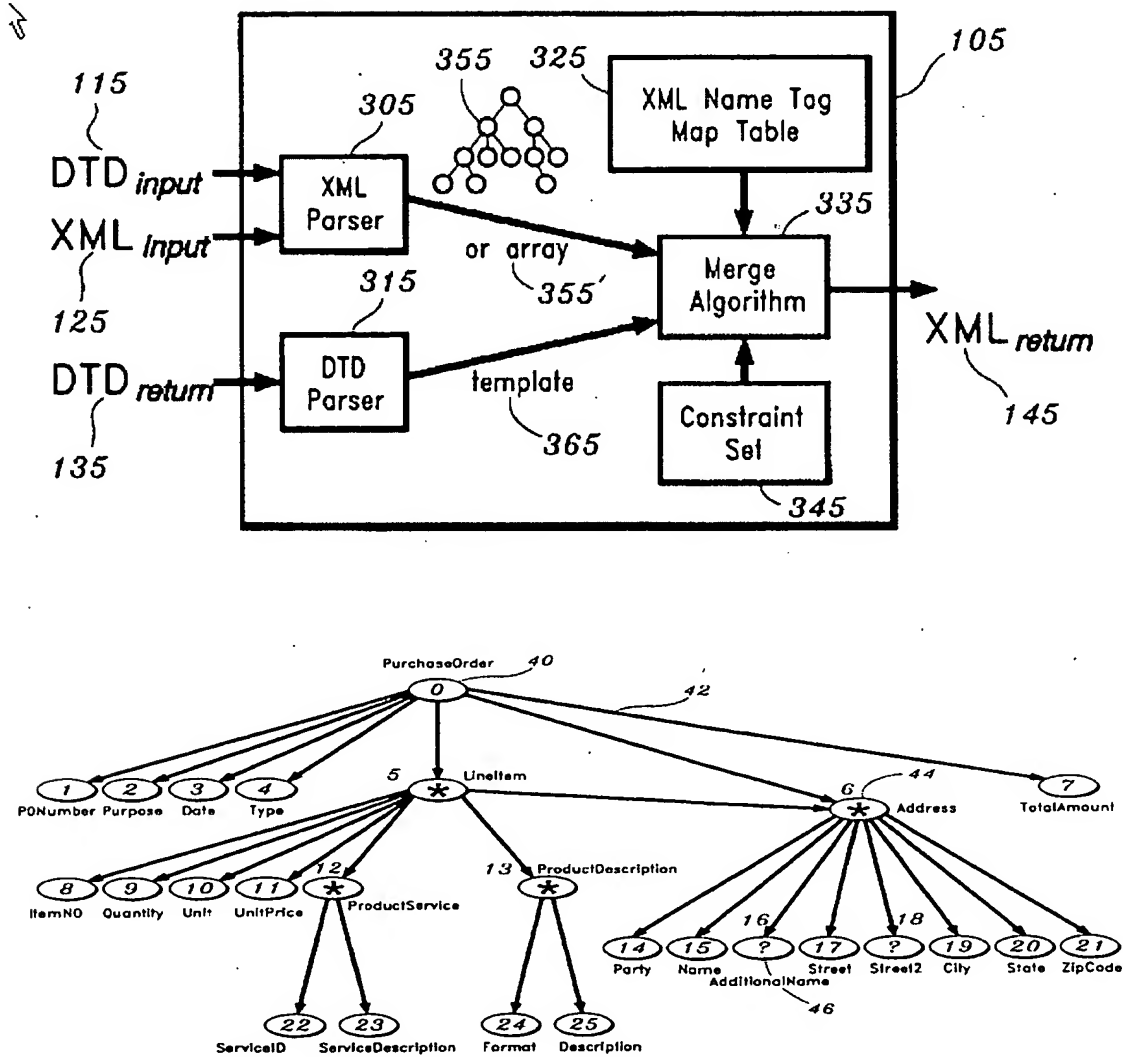
as taught by Chen.)

FIG. 3

It would have been obvious to one of ordinary skill in the art at the time of the invention

to modify Davis' RDML and HTML browser, to includes a means of: parsing the document

object model (DOM) of a web page located by a requested URL as taught by Chen. One of

ordinary skill in the art would have been motivated to modify this to provide permits the

browsing and manipulation of numbers and provide a related data viewer that acts as a

combination Web browser and spreadsheet/analytic application (see Davis para 24).

Regarding **Independent claim 4,**

> the rejection of claim 1 is fully incorporated. In addition, Davis teaches:

> > **A computer program product comprising: one or more computer**

> > **readable media having computer readable program code physically**

> > **embodied therein, and computer readable program code executed operable**

> > **embodied therein for performance the method of claim 1.**

(See, Davis, figure 2, and para 95, teaching data processing system item 200.)

Regarding **claims 2, and 5,** Davis teaches:

> > **A method of claim 1 wherein the step of constructing further**

> > **comprises: constructing a graph depicting an available statistical quantity**

> > **for the element.**

(See, Davis, fig 12A-C para 215, depicting the screen shot of X-Y plot 1202 of statistical series.

> Also, See, Davis, fig 14A para 274-277, depicting the chart view 716 in the top half of

the screen, and the tree view 720 in the lower half, wherein the summary column 1420 allows the

user to choose a statistic, and data columns 1418 in the tree view 720 give the user visual clues

as the relative importance, the types, and the format of the line items. Using the broadest

reasonable interpretation, the Examiner reads the claimed **constructing a graph** as equivalent to

the screen shot of X-Y plot 1202 of statistical series and chart view 716 in the top half of the

screen and the tree view 720 in the lower half as taught by Davis.)

Regarding **claims 3, and 6,** Davis teaches: ˙

> **A method of claim 1 wherein the step of constructing further**
>
> **comprises: constructing a chart depicting an available statistical quantity for**
>
> **the element.**

(See, Davis, fig 12A-C para 215, depicting the screen shot of X-Y plot 1202 of statistical series.

Also, See, Davis, fig 14A para 274-277, depicting the chart view 716 in the top half of

the screen, and the tree view 720 in the lower half, wherein the summary column 1420 allows the

user to choose a statistic, and data columns 1418 in the tree view 720 give the user visual clues

as the relative importance, the types, and the format of the line items.

6.   It is noted that any citations to specific, pages, columns, lines, or figures in the prior art

references and any interpretation of the references should not be considered to be limiting in any

way. A reference is relevant for all it contains and may be relied upon for all that it would have

reasonably suggested to one having ordinary skill in the art. See, MPEP 2123.

Response to Arguments

7.   Applicant's arguments, in the Remarks filed 12-20-2006 with respect to claims 1-6 have

been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Quoc A. Tran whose telephone number is 571-272-8664. The

examiner can normally be reached on 9AM - 5PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Herndon R. Heather can be reached on 571-272-4136. The fax phone number for the

organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Quoc A. Tran
Patent Examiner
March. 15, 2007

Heather R. Herndon
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